

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

July 9, 2018

To: Subcommittee on Digital Commerce and Consumer Protection Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “Examining Drug-Impaired Driving”

On Wednesday, July 11, 2018, at 1:00 p.m. in room 2123 of the Rayburn House Office Building, the Subcommittee on Digital Commerce and Consumer Protection will hold a hearing titled “Examining Drug-Impaired Driving.”

I. BACKGROUND

“Impaired driving” is a term used to describe driving while affected by alcohol or legal or illegal drugs.¹ Driving impaired is illegal in every State and puts everyone on the road at risk of injury or death.²

There is a concern that the opioid crisis and legalization of marijuana in several states have fueled a rise in drug-impaired driving.³ According to a report funded by the Foundation for Advancing Alcohol Responsibility in 2015, “drugs were present in 43 percent of fatally-injured drivers with a known test result.”⁴ However, some safety advocates, while acknowledging that drug-impaired driving is an issue, are concerned that focusing on drugged driving distracts from

¹ National Highway Traffic Safety Administration, *Drug-Impaired Driving* (www.nhtsa.gov/risky-driving/drug-impaired-driving#39211) (accessed July 2, 2018).

² *Id.*

³ *New Report Finds Sharp Increase in Drug-Impaired Driving*, Pittsburgh Post-Gazette (May 31, 2018).

⁴ Governors Highway Safety Association, *Drug-Impaired Driving: A Guide for States* (Apr. 2017).

efforts to curb drunk driving, noting that alcohol continues to “cause more deaths than drugs.”⁵ In January 2018, the National Academies issued a report on alcohol-impaired driving fatalities, which highlighted that 10,497 people were killed in crashes involving a drunk driver in 2016.⁶

Drugged driving is a complex issue because there are hundreds of drugs—including prescription, over-the-counter, and illegal—that could impair drivers.⁷ In addition, different drugs have different effects on different individuals, and data on drug presence in drivers are often incomplete.⁸ Further, there is no nationally accepted method for testing whether a driver is drug-impaired.⁹ Also, because trace amounts of certain drugs can linger in a person’s systems for weeks, a positive drug test result does not necessarily mean that the driver was impaired while driving.¹⁰

II. RECENT NHTSA ACTIONS ON IMPAIRED DRIVING

In 2016, the Department of Transportation’s National Highway Transportation Safety Administration (NHTSA) conducted a study that found “alcohol was the largest contributor to crash risk,” and adjusting for gender, age, race/ethnicity and alcohol, “there was no indication that any drug significantly contributed to crash risk.”¹¹ On January 25, 2018, reflecting on the “national opioid epidemic and States legalizing marijuana to varying degrees,” NHTSA launched a National Drug-Impaired Driving Initiative “making drug-impaired driving a top priority.”¹² On March 15, 2018, NHTSA held a Drug-Impaired Driving Summit to engage in an ongoing dialogue on drugged driving.¹³

III. WITNESSES

The following witnesses have been invited to testify:

⁵ ‘*Drugged Driving*’ Surpasses Drunken Driving Among Drivers Killed in Crashes, *Report Finds*, CNN (Apr. 28, 2017); *Study on Drug-Impaired Driving Gets Pushback-from Other Safety Advocates*, Washington Post (May 1, 2017).

⁶ National Academies of Sciences, Engineering, and Medicine, *Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem* (Jan. 17, 2018).

⁷ See note 4.

⁸ *Id.*

⁹ *Drugged Driving on the Rise as Marijuana, Opioid Use Puts Motorists at Risk, Study Finds*, USA Today (May 31, 2018).

¹⁰ National Highway Transportation Safety Administration, *2013-2014 National Roadside Study of Alcohol and Drug Use by Drivers: Drug Results* (May 2017).

¹¹ National Highway Transportation Safety Administration, *Drug and Alcohol Crash Risk: A Case-Control Study* (Dec. 2016).

¹² See note 1.

¹³ *Id.*

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